

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 7833 of 2002(G)

PETITIONER:

1. A.ABDULLA, AGED 42 YEARS,S/O.BEERAN,
VELITHEDATH HOUSE, PERINGAZHA, THRIKKAKARA NORTH,
KOCHI.
2. SAFEENA, AGED 38 YEARS, W/O.ABDULLA,
VELITHEDATH HOUSE, PERINGAZHA, THRIKKARA NORTH
COCHIN.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENTS:

1. DISTRICT REGISTRAR (GENERAL),ERNAKULAM.
2. DEPUTY TAHSILDAR (RR),KANAYANNOOR TALUK.
TALUK OFFICE, ERNAKULAM.
3. VILLAGE OFFICER, THRIKKAKARA NORTH
VILLAGE,KALAMASSERY.

BY G.P. SMT.SMITHA SUKUMARAN FOR R1,R2,R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 27/11/2007, THE COURT ON 27/11/2007 DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.14033/2002 IN O.P. 7833/2002

DISMISSED:

27.11.2007

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF R.R. DEMAND NOTICE DEMANDING TO PAY RS.2030/- ISSUED TO 1ST PETITIONER DT.29.1.02.

P2: .DO. RS.24650/-ISSUED TO 2ND PETITIONER DT.29.1.02.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.7833 of 2002
.....

Dated this the 27th day of November, 2007.

JUDGMENT

The petitioners are challenging recovery proceedings for recovery of differential stamp duty for purchase of land showing price below the market price or actual sale price. While the petitioners' case is that registered notice required under the Rules are not issued prior to adjudication and no proper adjudication is completed, Government Pleader submitted that notice issued to first petitioner was not responded and adjudication order was issued by the District Registrar after giving opportunity. In any case respondents have not produced adjudication order in court. Since petitioners have a right of appeal before District Court, it is for the first respondent to pass proper adjudication orders based on materials. Since registered notices were not issued to the petitioners and atleast to second petitioner and proper adjudication orders are not issued, O.P. is disposed of directing the first respondent to hear the petitioners' objections and pass fresh adjudication orders based on materials available with him, within a period of two months from date of receipt of copy of this judgment. To avoid delay, petitioner will produce copy of this judgment before the first

respondent so that he will issue notices containing proposal for demand and complete adjudication after hearing petitioner's objections. Recovery proceedings will remain stayed until fresh orders are issued after hearing petitioner's objections. Fresh adjudication order when issued will supercede impugned proceedings. However, if petitioners do not produce copy of the judgment and co-operate in the enquiry, recovery could be made under the present orders after the period stated above. If petitioners have grievance against fresh orders, petitioners can file appeal.

C.N.RAMACHANDRAN NAIR
Judge

pms